

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, August 7, 2002, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Jon Carlson, Roger Larson, Patte Newman, Greg Schwinn, Cecil Steward, Mary Bills-Strand and Tommy Taylor (Steve Duvall and Gerry Krieser absent); Mike DeKalb, Ray Hill, Ed Zimmer, Tom Cajka, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair Greg Schwinn called the meeting to order and requested a motion approving the minutes of the meeting held July 24, 2002. Carlson moved to approve the minutes, seconded by Newman and carried 7-0: Carlson, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Krieser absent.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

August 7, 2002

Members present: Carlson, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor; Duvall and Krieser absent.

The Consent agenda consisted of the following items: **FINAL PLAT NO. 02011, NORTHERN LIGHTS 10<sup>TH</sup> ADDITION, and WAIVER OF DESIGN STANDARDS NO. 02013.**

Larson moved to approve the Consent Agenda, seconded by Taylor and carried 7-0: Carlson, Larson, Newman, Schwinn, Steward, Bills-Strand and Taylor voting 'yes'; Duvall and Krieser absent.

Note: This is final action on the Northern Lights 10<sup>th</sup> Addition Final Plat No. 02011, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**SPECIAL PERMIT NO. 1966**  
**FOR A BED AND BREAKFAST IN A**  
**DESIGNATED LANDMARK AT**  
**1970 'B' STREET.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 7, 2002

Members present: Steward, Bills-Strand, Taylor, Larson, Newman, Carlson and Schwinn; Duvall and Krieser absent.

Staff recommendation: Conditional approval of a two-suite Bed & Breakfast, plus four dwelling units (apartments).

Proponents

**1. Dennis E. McCulley**, 1970 "B" Street, Trustee of the La Mountain Trust, presented the application as the applicant. The property is zoned R-6 and he is asking for two units to be used as bed and breakfast (hereinafter B&B) units, with two additional units in the basement and his own personal residence.

**2. Ken Winston**, 1915 "B" Street, testified in support on behalf of the **Near South Neighborhood Association**. The Neighborhood Association supports the application if the permit is amended to allow two B&B suites and one owner dwelling unit. The Neighborhood Association is pleased with the idea of this dwelling being returned to owner-occupant because it is a very prevalent historic house. However, there are concerns about the bed and breakfast. The Association would prefer it be a single family dwelling because that is the direction the neighborhood is going; however, if it is going to be a B&B, the Association consistently supports a reduction in density in the neighborhood. The applicant's proposal is for two units for the B&B, plus four apartment units, which would actually be an increase in density. The Association is strongly in support of any historic preservation of the neighborhood and the dwellings in the neighborhood.

Winston advised that the Association has worked with the applicant on three occasions at the neighborhood association meetings, and Winston indicated that he spoke in support at the Historic Preservation Commission on two occasions.

Winston did state that the Association does have concerns because there have been a number of changes along the way. One of the reasons this process has taken so long is because the applicant brought one proposal to the Neighborhood Association and then a different proposal to the Historic Preservation Commission. When the neighbors wrote letters in support of a three-unit bed and breakfast, they did not believe there would be any additional

units, i.e. a 6-unit facility. The application was later changed to a 2-unit B&B and letters were written in support. However, today's application is somewhat different with a change in the number of dwelling units.

Winston clarified that the Neighborhood Association supports only a 3-unit bed and breakfast. Therefore, the Neighborhood Association is offering an amendment to allow for two B&B units and one dwelling unit for the owners. It has also been previously agreed that there would be no events that take place on the premises; that there be no lights on the premises; that any signage would be limited; and that all historic preservation requirements would be met.

In addition, Winston stated that the Neighborhood Association had concerns at one point about the proposal by McCulley to put a fire escape on the west side of the building. The Neighborhood Association does not know whether that is a requirement by code, but there are concerns in terms of whether it fits with the historic character of the building.

In summary, Winston stated that the Near South Neighborhood Association would like to see the proposal go forward if limited to two bed and breakfast units and one owner dwelling unit. If this is not the case, the Neighborhood Association will be opposed.

Newman sought clarification that the original proposal was for three suites total, and then it became a proposal for the residence quarters for the owner as well. Winston stated that things have changed from time to time. In March of 2002, it was going to be a total of three suites, i.e. two bed and breakfast suites plus the living quarters for the owner. The continuous changes cause the neighborhood some concern.

### Opposition

**1. John Mercier**, 1930 "B" Street, testified in opposition. There were five meetings before the Historic Preservation Commission (HPC) on this application, and at each of those meetings Mr. McCulley offered proposals that were different in one form or another, including additions in the form of separate buildings, additions on the building site, numerous fire escapes that could potentially be added, and threats to increase rental space up to 9 additional units on the property. Mercier is a concerned neighbor and wants to know the exact intent of the applicant. He is certain that McCulley does not intend to confuse the neighbors, but that is what has come from all of the potential changes that have come forward. Mercier requested that the Commission understand the neighborhood concerns and he is hopeful there is not a rush to vote on this application today. He has copies of the different proposals received over the last six months if the Commission is interested. Who regulates any of the changes that he is about to make? What is the long term impact on the neighborhood? If McCulley decides to have a B&B, Mercier wants to know who would regulate that use. Would it be up to the neighborhood to "watch out" to make sure that large events are not occurring?

**2. Bill Svoboda**, 1955 “C” Street, testified in opposition. He noted that the report indicates that the yard will be taken care of in 12-months time. Whose responsibility is that? Who decides what is a “small tasteful sign”? Schwinn believes that would be covered by the zoning code requirements. Svoboda believes there are too many generalities in the report and conditions.

Carlson believes the signage will have to go back to the HPC to be approved.

**3. Rob Poggenpohl**, 1975 “B” Street, testified in opposition. He is also a Near South Neighborhood representative. From the beginning, his heart told him he did not want a B&B across the street from his home. But the plan didn’t seem too bad with a total of three suites and he decided he would support it. Then the Neighborhood Association began to work with the applicant. At that point, the proposal continually changed from three units to five to six to whatever from month to month. There was something a little bit different presented at every meeting. He believes the neighbors could live with the original plan for a total of three suites. He supports the original application with the amendment proposed by the Neighborhood Association. The neighbors want a solid plan. He believes that McCulley needs the B&B for cash flow purposes; however, Poggenpohl pointed out that the two houses south of the site have been de-converted and two houses to the west have been de-converted. In addition, if we are saving a historical house, hanging three fire escapes from it does not help preserve it. He believes this home would be purchased as a single family residence.

**4. John R. Thompson**, 1264 So. 20<sup>th</sup> Street, testified in opposition. His property is directly east across 20<sup>th</sup> from the applicant’s property, separated by a 25’ paved street. This proposal would result in a significant change for this neighborhood. This is a residential area with a number of children and no commercial property. There are two churches and one church office in the area. He believes it was improper for brokers or agents for Woods Brothers Realty to have participated and voted on the application at the HPC. He believes that an impact study should have been made available to each of the bodies considering this proposal, including the Planning Commission. His concerns are: 1) existing traffic is heavy and the area will not tolerate more; 2) property values will be affected; 3) children will suffer increased danger from traffic, noise and the transient population; and 4) all of the neighborhood homes are of historical value.

Thompson does not believe that anyone has taken steps to “review the impact on the surrounding area”. An impact study should be done or the application should be denied.

#### Staff questions

Newman inquired about standards for and regulation of bed & breakfasts. Ed Zimmer, Historic Preservation Planner, indicated that in Lincoln, B&B facilities are not cited specifically in the zoning code as an activity or use. All of the B&B facilities in Lincoln operate by

“landmark special permit”, which addresses their zoning regulation. In conversation with people who have operated B&B facilities, Zimmer believes they are regulated by the Building & Safety Department in terms of life safety code and fire code. Depending on their size, they have differing relationships with the Health Department. The smaller ones are not viewed as a lodging facility, but larger ones are. There is a multiplicity of agencies with involvement. Applicants are often frustrated that there is not a central “bed & breakfast czar”, but the zoning issue has been handled to date exclusively through the landmark special permit.

Newman inquired about the parking requirements. Zimmer indicated that the rule of thumb for parking through the landmark special permit is at least one parking stall per B&B room or suite, and at least one parking stall per residential unit. If we have an owner plus 5 units, we seek a minimum of 6 stalls. That is the standard that has been applied traditionally. There have been a small number of bed & breakfasts that have not required on-site parking, given their specific setting and small size.

Newman wondered whether it’s a judgment call as to whether this is an appropriate use for this property. Zimmer enumerated the six considerations ultimately judged by the City Council. The HPC and Planning Commission are advisory on those six considerations. The staff report is the basis upon which the City Council conducts the review of the impact of those various items. This has been the practice since 1983.

Schwinn asked who controls the compliance with the issue of no special events. He knows that the Rogers House has had some special events. Zimmer pointed out that this application is quite specific that special events are not part of the package. The special permit includes the dwelling units and the B&B use, but special events are not part of this permit. Broadly, special permits are regulated by Building & Safety for compliance with the terms on which they are issued. If there were big events in the yard, neighbors would have grounds to make a complaint and a show cause hearing can be called for the Council to determine whether the conditions are being met and the permit can be revoked. Schwinn assumes that also goes for who controls the maintenance. Zimmer advised that maintenance is the responsibility of the property owner. There is a site plan within the package showing their goal.

On the matter of frequent change of direction or plans by the applicant, Steward inquired whether Zimmer has been involved in those discussions. Zimmer responded that this has been an evolving application. Some of those elements of evolution have been in response to concerns raised by the neighbors, e.g. special events. The HPC has attempted to recommend a comprehensible package on which they could make a recommendation and one that they felt discharged their particular responsibility for the preservation of the building. Their concerns about the preservation impact of additional fire escapes prompted them toward the two-suite concept which would not require additional exterior exiting. The HPC was not comfortable going beyond two B&B suites. Zimmer believes this is a superior application to the one with which they began discussion.

Newman asked whether there are any other B&B facilities in Lincoln that have the combination of B&B and apartments. Zimmer stated that there are combined B&Bs and dwelling units. In some cases that is the owner's unit and in some cases it is the manager's apartment. The small one in the 2700 block of "P" Street approved several years ago did combine rental apartments and a small number of B&B suites and did not have the owner living in the building.

#### Response by the Applicant

McCulley stated that one of the reasons change happens so often is that he has tried to be amenable to the neighborhood concerns. He has not seen the amendment proposed by the Neighborhood Association.

McCulley stated that he started out with a proposal for three suites, and then he was advised that he would need to include anything that he might do in the future. There are two units in the basement (sleeping rooms). He had planned to combine those two units with his living unit and this was discussed with the fire department. He is now proposing the two B&B suites in response to the neighbors. However, he has heard more concerns today than in the past. He is looking at the possibility of doing the third suite. His own living unit would be the fourth suite and the two units in the basement could be combined with the owner's living unit. Typically, there is 20-30 percent occupancy the first year and 40-50 percent from that point on. McCulley purports that this application would have less impact on the neighborhood than is being alleged. He would still want the two apartment units in the basement.

From a parking standpoint, McCulley believes it has less impact on the neighborhood. A B&B would have less impact than a six-plex. He is not interested in building 6-9 units on that lot. His intent is to have two to three B&B units, with two sleeping rooms in the basement, and his dwelling unit.

McCulley pointed out that the Rogers House is one and one-half block away with two rental units in the basement. There is a rental unit and apartment complex right next door and another apartment complex in the neighborhood. Thus, McCulley disagrees that this is a single family block. He is, however, attempting to make this a more single family type home with a couple of B&B units.

Schwinn inquired whether the fire escape is required for the B&B. McCulley answered in the affirmative, but it has been moved over so that they do not have to remove the roof. It will be further toward the back of the house.

Steward indicated that he was having trouble interpreting the applicant's specific response to the specific requests. McCulley stated that this is the first time he has heard the amendment requested by the neighborhood association and he objects. It is not acceptable.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 7, 2002

Carlson moved to approve the staff recommendation of conditional approval, with the amendment requested by the Near South Neighborhood Association, seconded by Taylor.

Carlson does not believe the amendment represents that much of a difference. The return to owner/occupancy is clearly to the best interests of the building; you can do a B&B and you can do it well; their short range plan is two suites plus the owner suite, and incorporating the units in the basement to the owner suite could be accomplished with this amendment. The better process is to go with what works now and come back if there is a desire to amend it in the future. He believes this is a good compromise and a chance for the owner to get in and prove himself to the neighborhood.

Bills-Strand commented that it is a beautiful neighborhood and McCulley is the property owner. She would be in favor of the status quo until he can reach agreement with the neighbors. She would prefer deferral so that the applicant and the neighbors can work something out.

Newman believes that the owner can always come back and request an amendment to the special permit. Schwinn confirmed that he can change the special permit or he can proceed to public hearing before the City Council with his request.

Taylor noted that the applicant and the neighbors are not in accord. But he believes that the neighbors are doing their best to work with the applicant by agreeing with the original proposal.

Motion for conditional approval, with amendment, carried 5-2: Taylor, Larson, Newman, Carlson and Schwinn voting 'yes'; Steward and Bills-Strand voting 'no'; Duvall and Krieser absent. The Planning Commission recommends approval of two (2) bed & breakfast suites, plus one owner dwelling unit.

**COMPREHENSIVE PLAN CONFORMANCE NO. 02004**  
**TO REVIEW PROPOSED AMENDMENTS TO THE**  
**LINCOLN CENTER REDEVELOPMENT PLAN, REGARDING**  
**THE LINCOLN MALL REDEVELOPMENT PROJECT,**  
**AS TO CONFORMANCE WITH THE**  
**2025 COMPREHENSIVE PLAN.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 7, 2002

Members present: Steward, Bills-Strand, Taylor, Larson, Newman, Carlson and Schwinn; Duvall and Krieser absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

Proponents

**1. Dallas McGee** presented the application on behalf of the **Urban Development Department**. This is an amendment to the Lincoln Center Redevelopment Plan, which was first adopted 17 years ago in 1985. Since then there have been 21 amendments for various redevelopment projects in Downtown and the Haymarket including Cornhusker Hotel, Embassy Suites, Journal Star expansion, Rock 'N Roll Runza, Star Building, and Lincoln Building. The creation of a redevelopment project allows for TIF (tax increment financing) to be used to fund public improvements within the project area. TIF is the increase in taxes generated from the development that is occurring in the area.

The Lincoln Mall project creates a project area from the Capitol at 14<sup>th</sup> to 10<sup>th</sup> Street and the County-City Building complex, including property on the north side of Lincoln Mall, with the focus being to enhance the Capitol Environs District and to provide a safe and attractive area within which to live and work.

Lincoln Mall is 20 years old and does have problems that do need to be addressed, including broken street furniture, dying and aging shrubs, as well as sidewalks that need improvement. The proposed improvements will likely include work on sidewalks, curb and gutters, street furniture and other landscaping as well as irrigation and transit improvements related to the four bus stops. The project will also include streetscape work around Block 119, the block directly across from the County-City Building between 10<sup>th</sup> and 11<sup>th</sup>, Lincoln Mall and K Street. Once this project is approved by the City Council, Urban Development anticipates hiring a landscape architect to design the project and work with the Nebraska Capitol Environs Commission as well as property owners to address the specific improvements. McGee anticipates that the design will begin this fall with construction either this fall or next spring.



This project for streetscape improvements all along Lincoln Mall will be funded by TIF money from the building now being constructed. A lot of the improvements would be within the median itself with improvements on the sides, including street furniture and related plant materials.

Steward inquired as to what generates action on this as compared to some other central related projects. Why this now? McGee stated that now is because there is an opportunity to fund the project with TIF that is being generated in the project area. TIF relates to new development or if there is an increase in value on existing properties. The TIF for this project will be generated primarily from the new construction of the building currently underway.

Steward sought clarification on the vague reference to some future “redevelopment district” in Item #8 on page 3 of the staff report. What is that about and how does it relate to TIF? McGee explained that the Capitol Environs Commission (NCEC) reviews any activity within the Capitol Environs District. A conceptual plan was taken to the Commission earlier this year to address some of the concerns that exist along this mall. This redevelopment project allows a means of financing those improvements through TIF. But Steward does not see a definition of the district with this proposal. He wonders why that language exists and he is concerned about the fact that we have another mall that, in some opinions, has higher priority than this mall (Centennial Mall). Has this application been reviewed by the Downtown Lincoln Association (DLA)? McGee indicated that it has been discussed with DLA, but it is outside of the maintenance of DLA; however, it is within the management district of DLA. In terms of the maintenance, McGee advised that it will be maintained by the Parks & Recreation Department. DLA will not be involved in the maintenance. It will be maintained by the City and the property owners.

Ed Zimmer of Planning staff offered that the reference in Item #8 to a “redevelopment district” means the amendment to the Downtown Redevelopment Area. It has been discussed conceptually by NCEC. This same material will go to NCEC at their meeting this month before this application goes to the City Council. The reference is not to something different than this.

In a broader sense, Steward realizes this Redevelopment Plan has been amended a number of times. From his point of view, that’s not really planning—that’s taking a specific project and revising the plan so that it always will be in conformance with the plan on an ad hoc project-by-project basis. For instance, why is this boundary where it is? Antelope Valley, e.g., is not even referenced or mentioned. If we are going to add things to a plan, we should take things off as they get accomplished (e.g., Block 35 is still in this plan, which further weakens its credibility in terms of what we are expecting the public to understand about the way we collectively are thinking about the center of the city). Is it even appropriate that we continue to carry skywalks in this plan? Since the day that the skywalks were started, there is a whole set of other thinking about urban design and whether or not those were or are a good idea.

While Steward is in favor of the Lincoln Mall being an attractive place and being an important connection between the monument of the Capitol building and this public building, he is just very much concerned that we are continuing to use this as a document to justify a rather spontaneous set of project activities rather than treating it as a plan and re-evaluating the whole plan anytime we change it. Otherwise, you are asking this Commission and the Council to approve things just the way they are being thought of, incrementally—not holistically, not together.

Steward further inquired as to the city's designated liaison between potential developers and city departments. McGee believes it would be Urban Development. Steward believes that it reads that it is an individual and any developer should know who that department title is. Steward apologized for being critical of the general document, but the longer the document goes on in this direction, the more flawed it is going to become. McGee offered that the plan is a plan that allows us to respond to specific development proposals as they are brought forward. When the boundary of the area was established in 1985, we did not want to create a single project area at that time because then TIF would begin for the entire area and 15 years later if you wanted to begin a project, the TIF would have expired. It allows us to respond to these kinds of incentives or development projects as they come forward. He agrees that it is not a plan that guides as well as some other plans could, but it is a plan that allows us to take advantage of projects and help fund projects either by the city or by a developer.

Steward asked whether McGee would say that it is true that we do not have such a plan for downtown. McGee noted that in the past we have had some plans, i.e. "Downtown 2001" identified some very specific projects. That is a plan that could be looked at and updated and could give us guidance to future projects.

Steward then referred to p.45 of the agenda (p.III-1 of the Redevelopment Plan). This section of the Plan examines future conditions within the designated commercial redevelopment area – that's much broader than just financing. McGee agreed. Much of this plan is part of the original document that was written years ago, and as we update it we only update it to respond to the possibility of a redevelopment project. We don't revise the goals substantially. That would be a separate effort.

Steward suggested that consideration be given to changing the language and focusing on a more comprehensive strategy at some other time.

Schwinn confirmed that this TIF can only be used on property abutting a building being constructed. Schwinn believes that Centennial Mall also needs the help. McGee responded, stating that TIF can be used within the project area that is identified. This project area is identified as Lincoln Mall. To extend this TIF district to Centennial Mall would not be practical

because the TIF is generated from property along Lincoln Mall. It is an opportunity to address some of the problems we have on Lincoln Mall. If there were a substantial development along Centennial Mall, a TIF district could be created to address some of those concerns.

As far as design, McGee stated that the Parks Department has been working on a conceptual design. Once a district is created, a landscape architect would be hired to take a look at the conceptual plans and build on them.

Newman believes that the new Comprehensive Plan calls for an on-street painted bike route north/south. She sees a lot about pedestrian issues here but nothing about the bike route. Since it is going to intersect somewhere, how is that going to play in when you have the trees and park benches in place? McGee assured that Urban Development would work with Parks on that north/south bike route and see if there is a preferred street and accommodate that as part of this plan.

Newman wondered whether this needs tweaking before it is approved. McGee stated that until we have a project area established, we don't have the ability to carry out a project. He has not heard discussion of where the bike path might cross, but it is something they need to look at.

Carlson sought confirmation that the door won't be closed on the bike path issue in the future if this application is approved. McGee stated that since we know there are streets that are likely candidates, Urban Development would try not to do anything that would preclude that. We would want to do improvements that would help make that happen.

If we didn't do the TIF distribution for this project, Carlson wondered whether it would free up those funds to do something else. Is there no way to tag those funds to move them over to Centennial Mall? McGee advised that if the TIF is not created, the funds for these improvements would not be earmarked for the improvements at all. Schwinn believes they would go into the general fund and would have to come through the Capital Improvements Program.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 7, 2002

Larson moved to find the proposed amendments to be in conformance with the Comprehensive Plan, seconded by Steward.

Larson does not believe this precludes anything in the future. It is an opportunity because of the building that is being constructed.

Steward believes it is a needed Urban Development project and he is going to vote in support, but he also want to reinforce the notion that he believes at some early date this document needs to be separated from an urban design and urban development plan for the Heart of Downtown. When someone picks this up and sees the newest thing that has been added (if thinking comprehensively about the center of our city), there are all sorts of things missing—reassessment of transportation issues, the boundaries, the effect of Antelope Valley, changes in the Haymarket District. This is a way to move forward with this TIF financing, but he believes it uses and misuses the term “plan” in its broadest sense.

Motion for a finding of conformity carried 7-0: Steward, Bills-Strand, Taylor, Larson, Newman, Carlson and Schwinn voting ‘yes’; Duvall and Krieser absent.

**COUNTY SPECIAL PERMIT NO. 195**

**and**

**COUNTY PRELIMINARY PLAT NO. 02011,**

**BEAVER CREEK,**

**ON PROPERTY GENERALLY LOCATED**

**AT THE SOUTHEAST CORNER OF**

**134<sup>TH</sup> AND “O” STREETS.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 7, 2002

Members present: Steward, Bills-Strand, Taylor, Larson, Newman, Carlson and Schwinn; Duvall and Krieser absent.

Mike DeKalb of Planning staff submitted a letter from J.D. Burt on behalf of the applicant requesting that these applications be placed on the Planning Commission’s pending agenda. Additional information has been requested on the availability of water and the applicant is working on that request and continuing to work on the floodplain issues.

Carlson moved to place on pending, seconded by Newman and carried 7-0: Steward, Bills-Strand, Taylor, Larson, Newman, Carlson and Schwinn voting ‘yes’; Duvall and Krieser absent.

**CHANGE OF ZONE NO. 74HP**  
**TO DESIGNATE A LANDMARK DISTRICT**  
**ON PROPERTY GENERALLY LOCATED**  
**BETWEEN HOLDREGE STREET ON THE NORTH,**  
**IDYLWILD DRIVE ON THE WEST,**  
**APPLE STREET ON THE SOUTH**  
**AND NO. 40<sup>TH</sup> STREET ON THE EAST.**  
**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

August 7, 2002

Members present: Steward, Bills-Strand, Taylor, Larson, Newman, Carlson and Schwinn; Duvall and Krieser absent.

Public hearing has been closed. The Commissioners directed questions to staff.

Bills-Strand asked for clarification of the location of the Farmhouse Fraternity. Zimmer pointed it out on the map (on Apple Street just south of Idylwild Park across from Idylwild Park). It is not proposed to be in the landmark district.

Bills-Strand then inquired about the corner of Idylwild and Holdrege--across from Valentino's there was a fraternity house that borders Idylwild. Zimmer stated that there is a fraternity house "at this corner" that is included in the district boundary because of that key entryway on Idylwild into the district. The Farmhouse Fraternity property is sort of at a back position. Neither are historic buildings in their present condition, but in trying to establish a rational north boundary, that one is identified in the application as an intrusion. One of the requirements is that we identify which properties contribute and which do not. Six properties, based on their time of construction, are not identified as contributing to the character of the district.

Bills-Strand believes that it makes sense to put up a big sign at Starr and Idylwild proclaiming a historic district. She believes that cutting out the fraternity house and parking lot makes more sense. She thinks it would be prettier, more scenic and make more sense for the property owners on that first block.

Schwinn asked whether Bills-Strand then agrees with the proposed amendment by Mike Morrow. Bills-Strand stated that she would cut the fraternity house out and move the boundary down one block. It is much prettier. The architecture one block down all conforms and blends together and she can see the sign being placed there. The fraternity house and the parking lot do not fit.

Schwinn noted the letter in support from Roger Reynolds who owns property all the way down to Starr Street. Zimmer clarified that Reynolds owns property in the R-2 zone on the northwest corner of the intersection of Starr and Idylwild. He is in support of his property being included in the historic district.

Steward inquired as to how many lots the fraternity house covers on the east. Zimmer believes it would be the four R-6 zoned lots. Zimmer did a little more work at the map clarifying the properties.

Schwinn pointed out that eliminating the R-6 zoned area would eliminate the fraternity house and the property about which Valentino's was concerned.

Carlson asked Zimmer to explain the importance of the gateway entrance. Zimmer stated that the lines as drawn are not to recognize historic quality of the fraternity house because it is a more recent building, but rather to extend the area protected by the historic district to the most relevant. There is more traffic on Holdrege than on Starr. While the district is much stronger in one block, you do have a visible entry in the central median of Idylwild and the boundary was drawn to try to offer the protection to the historic district at the point where people might most likely enter it—at Holdrege and Idylwild. It is not as strong at that corner, but if we look at an area that might have change or that might benefit by the discussion with the HPC, that R-6 area would fit that possibility.

Newman asked Zimmer to expand on the 1943 houses. Are they rare? Is that enough to say yes, we should leave them in? Zimmer offered that this is an area in that period of significance. The history that we are embracing within this district has a longer span than many of our historic districts. This area, while it begins and has very strong character from the 1920's, includes a little bit of earlier material, notable examples from the 1930's, reflects early 1940's housing, then in association with East Campus, and then post-war. Zimmer does regard the 1940's buildings as important contributors to that longer time range.

Zimmer clarified that the staff recommendation is approval as proposed.

Bills-Strand noted that no one lives in the fraternity house all summer long, so possibly the residents are unaware of this application. Zimmer clarified that the notice is sent to the property owner—not the residents or tenants of the fraternity house.

Steward moved approval, as recommended by staff, seconded by Carlson.

Steward believes there is some challenging question about that half block but he believes the drawing of the boundary has been carefully considered in terms of street pattern and a line of demarcation that will have the possibility of strengthening that point in the future. To move down and then try to pick it block by block doesn't help the public a great deal in understanding where a district begins and ends. He believes the logic was appropriate.

Bills-Strand will vote against the motion because she would like to remove the R-6 zoned properties from the district. Otherwise, she is in support.

Newman commented that the landmark district does not change the zoning from R-6, and R-6 is different than a business district.

Schwinn is not going to quibble about the small parcel. He believes there are enough protections for the property owners under the ordinance to ultimately do what they want.

Motion for approval carried 6-1: Steward, Taylor, Larson, Newman, Carlson and Schwinn voting 'yes'; Bills-Strand voting 'no'; Duvall and Krieser absent.

**ITEMS NOT APPEARING ON THE AGENDA:**

August 7, 2002

Members present: Steward, Bills-Strand, Taylor, Larson, Newman, Carlson and Schwinn; Duvall and Krieser absent.

**1. Ed Patterson** appeared to address the impact fee issue. Schwinn requested that Mr. Patterson bring his comments forward on September 18, 2002, during the continued public hearing on the impact fee ordinance.

There being no further business, the meeting was adjourned at 2:30 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on August 21, 2002.